THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.420 of 2006

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Dated: 06.01.2006

Between:

M.Kalidas S/.o.Sri Triambak
Bada Rammutth, Nizamabad,

Nizamabad District.

..... PETITIONER

AND

The Assistant Commissioner of Endowments,

Nizamabad, Nizamabad District and others.

.....RESPONDENTS

ORDER:

The petitioner was working as a Junior Assistant in Sri Bada Ram Mutt, Nizamabad, the third respondent herein. Through orders dated 03.11.2004, the Assistant Commissioner of Endowments, the first respondent herein, transferred the petitioner to Sri Maruthi Mandir, Bhodan, the fourth respondent herein. The petitioner states that an employee of a Mutt cannot be transferred to a Temple and even in such cases, the Commissioner of Endowments, the second respondent herein, alone is competent to pass the orders. He further contends that he reported to the fourth respondent, but it refused to take him and the result is that he is not permitted to function anywhere.

Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments.

The petitioner was transferred from the third respondent-Mutt to the fourth respondent-Mandir, way back on 03.11.2004. If he had any objection for this transfer, be it on the question of hardship, or jurisdiction of the first respondent to pass the impugned order, he ought to have raised an objection at that time itself.

It is not in dispute that the petitioner reported to duty on the basis of transfer at the fourth respondent only on 10.09.2005. On the same day, the fourth respondent issued an endorsement to the effect that its financial status is not adequate to meet the salary requirement of the petitioner. In such an event, the petitioner is under obligation to report the matter to the first respondent and seek appropriate direction. Further, he has to explain as to why he reported to duty almost after a lapse of 10 months from the date of transfer. These, however, are the matters, which need to be taken into account by the first respondent.

For the foregoing reasons, the writ petition is disposed of leaving it open to the petitioner to submit a representation to the first respondent narrating the circumstances that led to his reporting to duty at the fourth respondent and its refusal to take him, and after receiving such representation, the first respondent shall pass appropriate orders within a period of six weeks thereafter. There shall be no order as to costs.

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06.01.2006

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